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12 Attorneys for Defendants  
13 THE GEO GROUP, INC. AND GEO  
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14

15 UNITED STATES DISTRICT COURT  
16 CENTRAL DISTRICT OF CALIFORNIA

17  
18 ALLISON BURCH, individually and  
on behalf of all others similarly  
19 situated,

20 Plaintiff,

21 v.

22 THE GEO GROUP, INC. dba GEO  
CALIFORNIA, INC.; GEO  
23 CORRECTIONS HOLDINGS, INC.;  
and DOES 1-50, inclusive,

24 Defendants.

25 Case No. 2:18-cv-09926 PSG (PLAx)  
Presiding Judge: Philip S. Gutierrez, 6A  
[Los Angeles Superior Court, Case No.  
BC720139]

26 **DEFENDANT'S OPPOSITION TO  
PLAINTIFF'S MOTION FOR  
RELIEF FROM LOCAL RULE 23-3**

27 Hearing Date: March 11, 2019

Time: 1:30 p.m.

Courtroom: 6A

28 Complaint Filed: August 31, 2018

1       **I. THE COURT SHOULD SET A DEFINITIVE DEADLINE OF  
2 SEPTEMBER 30, 2019 FOR PLAINTIFF TO FILE HER MOTION FOR  
3 CLASS CERTIFICATION**

4           Under Local Rule 23-3, Plaintiff's Motion for Class Certification is due on  
5 February 25, 2019. As indicated to Plaintiff during meet and confer, Defendants do  
6 not oppose a reasonable extension of Plaintiff's deadline to file her Motion for Class  
7 Certification. However, Defendants respectfully request that the Court set a  
8 reasonable, definitive deadline for Plaintiff to file her Motion, rather than leaving the  
9 deadline entirely open as requested by Plaintiff. To that end, Defendants propose a  
10 reasonable extension of Plaintiff's deadline to file her Motion until 60 days following  
11 the Parties' July 1, 2019 Scheduling Conference, which is Monday, August 30, 2019,  
approximately six months from her current deadline.

12          The Federal Rules of Civil Procedure make clear that the Court must rule on a  
13 class certification motion “[a]t an early practicable time after a person sues or is sued  
14 as a class representative.” FED. R. CIV. P. 23(c)(1). The Federal Rules should “be  
15 construed and administered to secure the just, speedy, and inexpensive determination  
16 of every action and proceeding.” FED. R. CIV. P. 1.

17          Further, both state and federal rules require that a plaintiff have some basis for  
18 believing his or her claims can be brought as a class action before filing suit. In this  
19 regard, Local Rule 23-3 is designed to ensure that plaintiffs investigate claims and are  
20 prepared to support their class allegations with evidence *before* filing a class action  
21 complaint. CENT. DIST. L.R. 23-3; *see also McCarthy v. Kleindienst*, 741 F.2d 1406,  
22 1411-12 (D.C. Cir. 1984) (“Defendants are entitled to ascertain at the earliest  
23 practicable moment whether they will be facing a limited number of known,  
24 identifiable plaintiffs or whether they will instead be facing a much larger mass of  
25 generally unknown plaintiffs.”).

26          Here, Plaintiff filed her putative class action on August 31, 2018, which was  
27 over five months ago. If Plaintiff indeed had reasonable basis to believe that her claim  
28 could be brought as a class action on or before August 31, 2018, then there is no

1 reason why Plaintiff cannot complete the necessary class certification investigation in  
2 the 12 months between August 31, 2018 and August 30, 2019.

3 Defendants are entitled to ascertain “at the earliest practicable moment”  
4 whether they will be facing a class action or an individual lawsuit. *McCarthy v.*  
5 *Kleindienst*, 741 F.2d at 1411-12. Defendants would be prejudiced by Plaintiff’s  
6 request for an entirely open-ended deadline, because it would force them to expend  
7 potentially significant resources litigating against a moving target with an amorphous  
8 timeline. Plaintiff has failed to provide any justification as to why a September 30,  
9 2019 deadline is unreasonable, particularly in light of the fact that it offers them a 7-  
10 month extension from the current deadline.

11 Therefore, Defendants respectfully request that this Court set a deadline for  
12 Plaintiff to file her Motion for Class Certification of September 30, 2019.  
13

14 Dated: February 6, 2019

LITTLER MENDELSON, P.C.

16 By: /s/ Elizabeth Staggs Wilson  
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